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Sergeant Steve Miller (Ret)
LEAP Speaker, Michigan, USA

May 26, 2015

My name is Steve Miller. I retired as a Sergeant with the Canton Township Police Department in Michigan after 18 years of service there. During my time with Canton PD, I served as a patrol officer, SWAT officer, detective and sergeant. I also served two years as a patrol officer with the Milan Police Department in Michigan. Prior to that, I served in the U.S. Air Force Security police, during which time I deployed to Saudi Arabia in support of Operations Desert Shield and Desert Storm. I am currently a speaker for LEAP, or Law Enforcement Against Prohibition, and here in support of Michigan Mother's United.

I am here today to give testimony in regards to House Bills Nos. 4499, 4500, 4503, 4504, 4505, 4506, 4507, and 4508. These bills will bring much needed reform to our current asset forfeiture laws in this state.

House Bills 4503, 4504, 4506, 4507 and 4500 will require more accountability and uniformity in forfeiture reporting by law enforcement agencies. This is important in identifying standards, requirements and reporting procedures to law enforcement personnel as well as ensure transparency and accountability on the part of law enforcement in making lawful seizures.

These bills will increase the evidentiary standard for drug forfeitures to stick. House Bills 4499 and 4505 will increase the evidentiary standard for drug and public nuisance crimes in regards to asset forfeiture to "must be proven by clear and convincing evidence", which will increase the "protection of rights" for citizens.

House Bill 4508 does provide a drug forfeiture exception for purchasers of personal marijuana, however I do feel there are areas in which this bill could be improved. This bill identifies a personal use amount of 1 ounce of marijuana or less, however this the last sentence of the bill, section d (v) states "this presumption may be rebutted by clear and convincing evidence". This is an unnecessary loophole and should be removed.

In order to strengthen the asset forfeiture laws, it should be required that all forfeited assets go into the general fund instead of directly to the budgets of the police departments and drug enforcement units. Also, all cases of asset forfeiture should require a conviction before any assets are permanently forfeited. Lastly, it should be added to these bills that there is a "presumption of personal use" for patients and caregivers, therefore exempting all patients and caregivers from asset forfeiture regarding any case revolving around the possession and use of medical marijuana.

Civil asset forfeiture was intended to be used to seize key assets from high-level drug dealers and funneling that money back into the police department resource pool. In many places this has been abused and extended beyond the intent of the law. Here is a prime example of this from my own experience as a sergeant with the police department. One day I was assisting an officer on my shift with a traffic stop. Upon my arrival, the officer advised me that he could smell marihuana coming from inside of the vehicle and was going to ask the person to get out of the vehicle so he could continue his marijuana investigation. While the officer searched the car, I spoke with the man, who had retired as a firefighter because he had a bad back. The officer located a bag of marijuana in the car and placed him under arrest. The firefighter told me that he used marihuana as pain relief for his back. He was then arrested, and his car was impounded and held for "Operation Push-Off." This is a forfeiture program of the Wayne County Prosecutor's office in which a drug offender has to pay \$900 to the prosecutor's office forfeiture unit to get their vehicle back. The firefighter's vehicle was probably not worth more than \$2000. This program was supported and encouraged by the command officers in the department. Despite my personal objections to the program, I was forced to encourage officers to forfeit the vehicles of individuals arrested for possessing small amounts of drugs. We encouraged officers to make several traffic stops a night, initiate narcotics investigations whenever they could by finding whatever reason they could to search a vehicle, thus placing themselves in further danger in the already dangerous situation of a traffic stop, all in order to earn the department either \$900 or a used car. This common scenario seemed utterly wrong to me, especially when our state had recently passed laws legalizing the possession and use of medical marijuana.

My objections to this type of enforcement are twofold. First, I feel that encouraging officers to place themselves in a more dangerous situation than need be by unnecessarily searching vehicles to find small amounts of narcotics is wrong. These types of things are what often lead to the tragic situations of officers becoming seriously injured or killed. Second, I feel that all forfeiture programs are violations of everyone's rights, especially programs such as "Operation Push-off" which seem to target low-income individuals by robbing them of their vehicles or \$900.

In closing, I would like to thank the committee for allowing me to speak in support of these asset forfeiture reform bills. These bills are an important step in reducing the harms of drug prohibition as well as bringing more integrity to asset forfeiture programs in this state. Thank you for your time.

Sincerely,

Steve Miller

Steve Miller

May 26, 2015